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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2009-150

12 **VANESSA THREATS, AKA**
13 **VANESSA MITCHELL**
5644 Cascade Court
14 Stockton, California 95207
and
2105 Brys Drive
15 Grosse Pointe, Michigan 48236

A C C U S A T I O N

16 Registered Nurse License No. 606812

17 Respondent.

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19 Complainant alleges:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
23 ("Board"), Department of Consumer Affairs.

24 2. On or about November 23, 2002, the Board issued Registered Nurse
25 License Number 606812 to Vanessa Threats, aka Vanessa Mitchell ("Respondent"). The license
26 expired on October 31, 2004.

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8. Code section 4060 provides, in pertinent part,

No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.

9. Health and Safety Code section 11173, subdivision (a), provides:

No person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

COST RECOVERY

10. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

DRUGS

11. **"Opiates"** are Schedule II controlled substances pursuant to Health and Safety Code section 11055, subdivision (c), and are dangerous drugs within the meaning of Code section 4022, in that under federal law they require a prescription.

FIRST CAUSE FOR DISCIPLINE

(Obtain and Possess Controlled Substances in Violation of Law, and Self-Administer)

12. Respondent's registered nurse license is subject to disciplinary action under Code section 2761, subdivision (a), on the grounds of unprofessional conduct as defined in Code section 2762, subdivision (a), in that between November 2002 and June 2003, while employed as a registered nurse in the Medical Surgical Department at Lodi Memorial Hospital ("LMH") in Lodi, California, Respondent did the following:

a. Respondent obtained opiates, controlled substances, by fraud, deceit, misrepresentation or subterfuge, or the concealment of a material fact, in violation of Health and

1 Safety Code section 11173, subdivision (a), by taking the drugs from LMH's hospital supplies
2 for her own personal use.

3 b. Respondent possessed opiates, controlled substances, in violation of Code
4 section 4060.

5 c. Respondent self-administered opiates, controlled substances, without
6 direction from a licensed physician, surgeon, dentist or podiatrist.

7 **SECOND CAUSE FOR DISCIPLINE**

8 (False, Grossly Inconsistent or Unintelligible Entries in Hospital or Patient Records)

9 13. Respondent's registered nurse license is subject to disciplinary action
10 under Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined
11 in Code section 2762, subdivision (e), in that between November 2002 and June 2003, while
12 working as a registered nurse at LMH, Respondent made grossly incorrect, grossly inconsistent
13 or unintelligible entries in hospital or patient records, including, but not limited to, the following:

14 **Patient A**

15 a. On or about May 26, 2003, at 1500 hours, Respondent recorded on
16 medication log No. 31285 the withdrawal of 10 mg. of Morphine, but failed to legibly record the
17 physician's name, drug strength, or amount given.

18 **Patient B**

19 b. On or about June 5, 2003, Respondent recorded on the medication
20 administration record for this patient that she administered Morphine between 0701 and 1500
21 hours; however, she failed to record the actual time of administration or the amount of Morphine
22 administered.

23 **Patient C**

24 c. On or about June 7, 2003, Respondent failed to legibly record on
25 medication log No. 31296 the time of her withdrawal of 25 mg. of Demerol, 75 mg of Demerol,
26 and 100 mg. of Demerol for this patient.

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1 **Patient D**

2 d. On or about June 7, 2003, at 1745 hours, Respondent recorded on
3 medication log No. 31296, the withdrawal of 4 mg. of Morphine for this patient, noting that the
4 withdrawal was an "error". Respondent recorded the wastage of 4 mg. of Morphine on the
5 medication log; however, Respondent failed to legibly or accurately record the balance of
6 remaining Morphine in the medication log.

7 **Patient E**

8 e. On or about June 9, 2003, at 1830 hours, Respondent recorded on
9 medication log No. 31297, the administration to this patient of 50 mg. of Demerol; however,
10 Respondent failed to chart in hospital or patient records administration of the Demerol to this
11 patient, and failed to record the balance of the remaining Demerol in the medication log.

12 **OTHER MATTERS**

13 14. On or about November 26, 1991, in the United States District Court,
14 Western District of Kentucky at Louisville, in the case entitled *United States v. Vanessa Threats*
15 (U.S. Dist. Ct., Western Dist. of Kentucky at Louisville, 1991, Case No. CR-91-00073-01-L(B)),
16 Respondent was convicted by the Court her plea of guilty of violation of 18 U.S.C. 661 (theft of
17 personal property) and 18 U.S.C. 1510, subdivision (a) (bribery).

18 **PRAYER**

19 **WHEREFORE**, Complainant requests that a hearing be held on the matters
20 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

21 1. Revoking or suspending Registered Nurse License Number 606812, issued
22 to Vanessa Threats, also known as Vanessa Mitchell;

23 2. Ordering Vanessa Threats, also known as Vanessa Mitchell, to pay the
24 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
25 case, pursuant to Code section 125.3; and,

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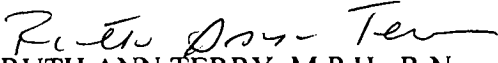
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3. Taking such other and further action as deemed necessary and proper.

DATED: 1/6/09


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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